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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,247	10/23/2003	Susan Rae Anderson	6579-70-1	9434
<div>7590 02/01/2007 Richard R Michaud The Michaud-Duffy Group LLP 306 Industrial Park Road Suite 206 Middletown, CT 06457</div>			<div>EXAMINER WEDDINGTON, KEVIN E</div> <div>ART UNIT PAPER NUMBER 1614</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/01/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/692,247	Applicant(s) ANDERSON ET AL.	
	Examiner Kevin E. Weddington	Art Unit 1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10-23-03; 10-8-04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 1-26 are presented for examination.

Applicants' drawings filed October 23, 2003 and the information disclosure statements filed October 23, 2003 and October 8, 2004 have been received and entered.

Applicants' election filed January 5, 2007 in response to the restriction requirement of December 6, 2006 have been received and entered. The applicants elected the invention described in claims 18-26 (Group II) with traverse.

Applicants' traverse of the restriction requirement is not deemed persuasive for reasons set forth in the Office action dated December 6, 2006. Therefore, the restriction is hereby made Final.

Claims 1-17 are withdrawn from consideration as being drawn to the non-elected invention (37 CFR 1.142(b)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Creasy et al. (4,875,287).

Creasy et al. teach a shaving strip composition comprising a hydrophilic polymer (a water-sensitive polymer) such as a polyvinyl compound (a poly (N-vinyl lactam)) and copolymers (see column 3, lines 30-40). The reference also teaches the

instant composition contains additional materials such chelates (column 7, line 51). Clearly, the cited reference teaches the limitation of claim 18 of the instant inventions.

Note column 3, lines 23-26 shows the first polymer of the shaving strip composition is an organic solvent-soluble polymer performed thermoplastic polyurethane or an isocyanate containing prepolymers (same as water-insoluble polymers). Also note particularly column 4, lines 1-5 shows the other organic solvent-soluble polymer as disclosed in applicants' claims 20 and 21). Clearly, the cited reference teaches the additional polymers (a water-insoluble polymer) are combined with the hydrophilic polymer and a chelate to form a shaving strip composition.

As to the claims 22 and 23 wherein at least one of the water-sensitive polymer (hydrophilic polymer) or the water-insoluble polymer (organic-solvent polymer) has a function group capable of forming a chelate with a metal of insoluble metal salt and chelate (chelating agent) has a decomposition temperature of at least about 150° C is anticipated by the Creasy et al. reference since a product of identical chemical composition cannot have mutually exclusive properties. A chemical composition and its properties are inseparable. Since the prior art teaches identical chemical composition, the properties applicants disclose and/or claims are necessarily present.

The Creasy et al. reference anticipates the applicants' instant invention; therefore, the instant invention is unpatentable.

Claims 18-24 are not allowed.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creasy et al. (4,875,287).

The Creasy et al. reference was discussed above supra for its combination of various components such as an organic-solvent polymer (water-insoluble polymer), a hydrophilic polymer (water-sensitive polymer), and chelates (a chelating agent) into a shaving strip combination.

The instant invention differs from the cited reference in that the cited reference does not teach specific weight percentage of the chelating agent based on the total weight of the shaving aid strip of claims 25 and 26. However, to determine

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a weight percentage of a chelating agent based on the total weight of the shaving aid strip is well within the level of one having ordinary skill in the art, and the skilled artisan would have been motivated to determine optimum weight percentages of the chelating agents to get the maximum total weight of the shaving aid strip in the absence of evidence to the contrary.

Claims 25 and 26 are not allowed.


The remaining references listed on the enclosed PTO-892 are cited to show the state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin E. Weddington whose telephone number is (571)272-0587. The examiner can normally be reached on 12:00 am-8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on (571)272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kevin E. Weddington
Primary Examiner
Art Unit 1614

K. Weddington
January 29, 2007